

**Applicant:** Guodong Zhang  
**Application No.:** 10/725,789

### **REMARKS**

Claims 1-9 are pending in this application. Applicant notes that in the Office Action dated November 16, 2006, the Examiner did not address the previous amendments to claim 2 nor the previously added claim 9, both of which were effected in the Reply filed September 8, 2006.

#### **Claim Rejections - 35 U.S.C. §103(a)**

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0106426 to Koo et al. (hereinafter "Koo") in view of U.S. Patent Application Publication No. 2003/0086514 to Ginis et al. (hereinafter "Ginis"). Claims 2 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of U.S. Patent No. 6,529,494 to Ostman et al. (hereinafter "Ostman"). Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of Ostman and further in view of U.S. Patent Application Publication No. 2004/0141473 to Buot. Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of Ostman and further in view of U.S. Patent No. 6,198,910 to Hanley. Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of Ostman and Hanley and further in view of U.S. Patent No. 6,175,745 to Bringby. Claim 6 stands rejected under 35 U.S.C. §103(a) as being

unpatentable over Koo and Ginis in view of Ostman and further in view of U.S. Patent No. 6,542,581 to Suonsivu. Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of Ostman and Suonsivu and further in view of U.S. Patent No. 6,463,295 to Yun.

Koo relates to a method and apparatus for computing transmit power control signals and a bias error value. The bias error is used to remedy incorrect initial transmission power values for non-real time (NRT) data. The bias error is estimated and the transmission power is adjusted based on the error value (paragraph 0017). The average bias error value is applied to the initial downlink transmission power starting from an  $L^{\text{th}}$  Temp-DCH allocation, where L is an operating parameter chosen to optimize performance (paragraphs 0055 and 0060).

Koo is easily distinguishable from claim 1 of the present application. Koo does not estimate an initial downlink transmit power level for NRT services; Koo estimates a bias error value used to adjust transmit power. Koo does not compare the estimated transmit power level with a threshold. The section of Koo cited by the Examiner to teach this step (paragraph 0014) describes the known method of inner loop power control, in which the SIR value is compared to a threshold to determine a transmit power control command to send. Koo does not determine whether an increase in the estimated power level would degrade services in neighboring cells; the Examiner concurs with this point. Finally, Koo does not adjust the initial

downlink transmit power based on the determining step. Since Koo does not perform the determining step, it could not perform a subsequent step that requires the result of the determining step.

In regard to the determining step of claim 1 of the present application, the Examiner argues that Ginis discloses this step. Applicant respectfully disagrees. Ginis relates to a method and system for managing digital communication systems, and in particular, relates to wired communication systems such as DSL. Ginis addresses the problem of crosstalk interference in wireline communication systems (paragraphs 0008 and 0033).

Ginis is non-analogous art per MPEP §2141.01(a), as it is not in the same field of endeavor as the present application (wireless communications for the present invention, wireline communications for Ginis (see paragraphs 0008, 0016, 0033, 0035, 0036, and 0038)). Nor is Ginis pertinent to the problem solved by the present application (initial downlink transmit power adjustment for non-real time services in a wireless communications network in the present application as compared to reducing crosstalk interference in wireline communication systems for Ginis). Based on these differences, the teachings of Ginis are not applicable to the present application.

With regard to the Examiner's rejection of claim 2 based on Ostman, the Applicant disagrees for the following reasons. Claim 2 recites a method comprising

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“calculating an estimated slot carrier power; comparing the estimated slot carrier power with at least two thresholds; and adjusting the initial downlink transmit power based on how the estimated slot carrier power compares to the at least two thresholds”. Ostman does not teach, disclose, or suggest such a method.

Ostman is directed to a method of making transmit power adjustments that resemble a typical fading event (column 2, lines 23-24 and column 5, lines 20-29). Ostman makes no reference to slot carrier power. More specifically, Ostman makes no reference to calculating an estimated slot carrier power, comparing the estimated slot carrier power with at least two thresholds, or adjusting the initial downlink transmit power based on how the estimated slot carrier power compares to the at least two thresholds. As Ostman does not disclose these elements, the combination of Koo, Ginis, and Ostman does not teach or suggest claim 2.

Based on the foregoing amendments and remarks, the combinations of Koo and Ginis and Koo, Ginis, and Ostman do not lead one of ordinary skill in the art to the invention recited in independent claims 1 and 2. Therefore, the independent claims (i.e., claims 1 and 2) are distinguishable over the cited references. Because the independent claims are distinguishable over the cited references, the dependent claims (i.e., claims 3-9) are also distinguishable over the cited references without the need for additional comment.

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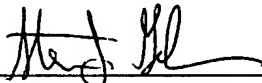
**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application, including claims 1-9, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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